

Imagery Center
CY-C203



Federal Communications Commission
Washington, D.C. 20554

March 9, 2007

David D. Oxenford, Jr., Esq.
Davis Wright Tremaine LLP
1500 K Street, N.W., Suite 450
Washington, D.C. 20005

Dear Mr. Oxenford:

This is in reference to the Petition for Rule Making and the Petition for Reconsideration of part of the staff letter returning that Petition for Rule Making that you filed on behalf of Educational Media Foundation ("EMF"), licensee of Station KLVS(FM) ("KLVS"), Channel 257B1, Grass Valley, California. The Petition for Rule Making requested that the Commission amend Section 73.202(b) of its Rules, FM Table of Allotments, to substitute Channel 258A **for** Channel 257B1, Station KLVS, to reallocate Channel 258A from Grass Valley to Citrus Heights, California, and to modify Station KLVS's license accordingly. The petition also requested that Channel 257A be allotted to Colfax, California. The staff returned that Petition for Rule Making by **letter** of September 9, 2004, as unacceptable for filing. Subsequently, you filed a Petition for Reconsideration of that portion of the foregoing **letter** that returned EMF's request to substitute Channel 258A for Channel 257B1 and to reallocate Channel 258A from Grass Valley to Citrus Heights, California. More recently, **you** filed a "Request for Withdrawal of Petition for Reconsideration" and a minor modification application (File No. BPH-20070119AFL) that makes the same request articulated in EMF's Petition for Reconsideration, namely, to substitute Channel 258A for Channel 257B1 and to reallocate Channel 258A from Grass Valley to Citrus Heights, California,

EMF's recent withdrawal of its Petition for Reconsideration and also the filing of the referenced application (File No. BPH-20070119AFL) renders EMF's previous Petition for Reconsideration and that petition's underlying Petition for Rule Making moot. Accordingly, EMF's Petition for Reconsideration filed October 12, 2004, and the underlying Petition for Rule Making filed September 17, 2003, ARE DISMISSED as moot.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", written over a large, loopy flourish.

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

RECEIVED - FCC

SEP 17 2003

Federal Communication Commission
Bureau / Office

In the Matter of

Amendment of Sections 73.202(b),
Table of Allotments,
FM Broadcast Stations,
(Grass Valley, Citrus Heights,
and Colfax, California).

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)
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MB Docket No. 00-____
RM-____

To: Chief, Allocations Division

PETITION FOR RULEMAKING

EDUCATIONAL MEDIA FOUNDATION

David D. Oxenford
Amy L. Van de Kerckhove

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, NW
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Dated September 17, 2003

SUMMARY

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Educational Media Foundation (“EMF”), the licensee of noncommercial educational station KLV~~S~~(FM), Channel 257B1, Grass Valley, California, requests the allotment of Channel 258A to Citrus Heights, California, the modification of the license of KLV~~S~~(FM) to specify operation on Channel 258A at Citrus Heights, and the allotment of Channel 257A at Colfax, California. The requested allotments are in compliance with the Commission’s technical rules and will result in a preferential arrangement of allotments pursuant to the Commission’s change of community procedures. The grant of the requested allotments will ultimately provide **the** communities of Citrus Heights and Colfax with their first local services without depriving **Grass** Valley of local aural transmission service.

The communities of Citrus Heights and Colfax each have the social, economic, and cultural characteristics of a community and warrant first local aural transmission services. Because Citrus Heights is located within the Sacramento Urbanized Area, the relocation of KLV~~S~~ from Grass Valley to Citrus Heights implicates the Commission’s policy concerning **the** relocation of stations from rural to urbanized areas. Using the factors in Faye and Richard Tuck, 3 FCC Rcd 5374 (1998), EMF has rebutted the presumption of interdependence between Citrus Heights and the Urbanized Area of Sacramento and shown that the community of Citrus Heights is a unique, self-sufficient community and merits a first local service preference.

EMF respectfully request that the Commission initiate the rule **making** requested herein to amend Section 73.202(b) of the Commission’s Rules to allot Channel 258A to Citrus Heights and allot Channel 257A at Colfax, California. If the proposal set forth herein **is** adopted, EMF will promptly file the appropriate application to **permit** operation of KLV~~S~~ on Channel 258A at

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Citrus Heights and expeditiously construct the KLVS facilities at Citrus Heights. **EMF will also file** an application for the new station on Channel **257A** at Colfax.

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 00-__
Table of Allotments,)	RM-____
FM Broadcast Stations)	
(Grass Valley, Citrus Heights,)	
and Colfax, California))	

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Educational Media Foundation ("EMF"), licensee of noncommercial educational station KLVS(FM), Channel 257B1, Grass Valley, California, by its undersigned attorneys and pursuant to Section 1.401 of the Commission's rules, hereby petitions the Commission to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to allot Channel 258A to Citrus Heights, California and to modify the license of KLVS(FM) to specify Channel 258A at Citrus Heights. EMF also requests that the Commission allot Channel 257A to Colfax, California, an allocation which is only possible because of the relocation of KLVS. Specifically, EMF requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Grass Valley, CA	231A, 257B1, 277A	231A, 277A
Citrus Heights, CA	---	258A
Colfax, CA	---	257A

In support of this Petition, EMF states as follows:

Technical Considerations

As demonstrated by the Engineering Statement attached hereto as Exhibit A, the requested allotment of Channel **258A** to Citrus Heights is mutually exclusive with **KLVS(FM)**'s currently authorized allotment at Grass Valley. Therefore, the proposed reallocation complies with the requirements of Section 1.420(i) of the Commission's rules. In addition, Channel **258A** can be allotted to Citrus Heights in compliance with the Commission's minimum distance separation requirements with a site restriction of 7 kilometer south. Following the move of **KLVS** to Citrus Heights, Channel **257A** may be allotted to Colfax in compliance with the Commission's minimum distance separation requirements with a site restriction of 20 kilometers to the north. As demonstrated in Exhibit A, the proposed sites will provide full city grade coverage to the communities of Citrus Heights and Colfax, respectively.

Policy Considerations

The allotment of Channel 258A to Citrus Heights and allotment of Channel **257A** to Colfax will result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures.¹ Pursuant to those procedures, the existing arrangement of allotments must be compared with the proposal using the FM allotment priorities: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters.² The public interest supports the granting of this request. The communities of Citrus Heights and Colfax currently have no local aural transmission services. In contrast, Grass Valley is currently served by **KLVS(FM)** and radio stations **KNCO(AM)**, **KNCO-FM**, and TV

¹ See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

² See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). Co-equal weight is given to priorities (2) and (3).

translator station K216CX.³ Thus, grant of the requested allotments will ultimately provide the communities of Citrus Heights and Colfax with their first local services without depriving Grass Valley of local aural transmission service

Moreover, grant of EMF's proposal would permit EMF to substantially increase the number of listeners within KLVN(FM)'s primary service area. The facilities specified in the existing KLVN(FM) license serve 182,403 people within the 60 dBu contour. The allotment of Channel 258A to Citrus Heights as proposed herein will result in a gain of 1,211,798 people, or a 764.4% gain, in population served. Allotting Channel 257A to Colfax will provide coverage within the 60 dBu contour to 140,813 people. As demonstrated in the attached Engineering Statement, the overall changes proposed herein will provide a 841.6% increase in population served, and an overall increase in area of 14.9%.

Finally, the communities of Citrus Heights and Colfax each have the social, economic, and cultural characteristics of a community and warrant first local aural transmission services. Citrus Heights, located in Sacramento County, is an incorporated community of 85,071 people. Incorporated in 1997, the community has a mayor-council form of government, ~~its~~ own police department, a post office, library, both public and private schools, multiple churches and parks, and numerous local businesses and community organizations? Colfax, located in Placer County, is recognized in the 2000 U.S. Census as an incorporated community with a population of 1,496 people. The community of Colfax has its own post office and Zip code, volunteer fire

³ The Commission recently granted Grass Valley Broadcasting, LLC a construction permit for a new NCE-FM station at Grass Valley, California. See FCC File No. BPH-19970814MO. Calvary Chapel Grass Valley was also recently granted a construction permit for a new low power FM station to serve Grass Valley. See FCC File No. BNPL-200006605AEW. There are also six pending applications for new FM translator stations at Grass Valley.

⁴ See Engineering Statement at page 2.

⁵ See Exhibit B hereto.

department, an elementary school and high school, and local government comprised of a **full-**time City Manager and a five-member City Council. The residents of Colfax are also served **by** a youth center, local library, ball field, park, several churches and numerous **businesses**, including Blue Cat Studio, Farmers Insurance Group, Colfax Realty, The Railhead Saloon, and the Colfax Watchdog, which publishes a monthly newsletter covering the government **and** politics of Colfax.⁶ In similar circumstances, the Commission has found that other similar and much smaller places possess the requisite social, economic and cultural components to qualify as communities for allotment purposes.’

If the Commission grants this proposal, EMF intends to file **an** appropriate application on Channel **258A** at Citrus Heights and, upon grant, to promptly implement the reallocation. **EMF** will **also** file an application for the new station on Channel **257A** at **Colfax**.

Tuck Analysis

Citrus Heights is located within the Sacramento Urbanized Area. Accordingly, this relocation implicates the Commission’s policy concerning the relocation of stations **from rural** to urbanized areas. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd **10352** (1995). When an applicant proposes **an** FM allotment to a community based on a first **local** service preference, and that community **is** located in an Urbanized Area, or the 70 dBu contour of the station which is subject to the **rulemaking** covers **50% or** more of **an** Urbanized Area, **a** presumption of interdependence between the community and the Urbanized Area is created. See

⁶ See Exhibit C hereto.

⁷ See, e.g., Pentwater and Walhalla, Michigan, 13 FCC Rcd 6580 (MM Bur. 1998) (finding Walhalla, Michigan, a 400 person community located in Branch Township, to be a community for allotment purposes because it constituted an identifiable population grouping with businesses and community organizations that identified themselves with its residents), Deerfield, Missouri, 12 FCC Rcd 12150 (MM Bur. 1997) (finding Deerfield, Missouri, an 85 person community located in Deerfield Township, to be a community for allotment purposes).

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Faye and Richard Tuck, 3 FCC Rcd 5374 (1998) (hereinafter "Tuck"). If the presumption of interdependence is not rebutted, the community is credited with all the local transmission services licensed to communities within the Urbanized Area. Id.

Under Tuck, the Commission examines the following factors in determining whether an applicant rebuts the presumption of interdependence and whether the community deserves a first local service preference: (1) the interdependence of the suburban community with the central city; (2) size and proximity of the suburban community; and (3) signal population coverage. Id. As demonstrated below, an analysis of the factors in this case will rebut the presumption of interdependence between Citrus Heights and the Urbanized Area of Sacramento, and will show that the community of Citrus Heights merits a first local service preference.

A. EMF Satisfies the Most Important Factor in the Tuck Analysis – Citrus Heights is Independent from Sacramento.

The Commission has consistently held that the degree of interdependence between the proposed community and the centralized city in the Urbanized Area is the most significant consideration in the Tuck analysis. See Farmington, California, 11 FCC Rcd 8117 (1996). As demonstrated below, Citrus Heights is not simply an appendage of Sacramento, but, on the contrary, exists as a unique, self-sufficient community. It is independent from the city of Sacramento, and is therefore fully deserving of a first local service preference.

Citrus Height's independence is shown through an analysis of the following eight criteria:

- 1) The extent to which community residents work in Citrus Heights, rather than Sacramento

In March 1999, the Citrus Heights City Council adopted the city's first Economic Development Strategy and Action Plan to strengthen and diversify its economy, provide a multi-

faceted approach to business retention and attraction, and ensure that Citrus Heights is a viable, healthy community where business owners, workers, and their families want to live!

The success of the plan has made Citrus Heights home to a myriad of local businesses. The economy of Citrus Heights is independent and vibrant. The **Sunrise Market Place** alone, which is located in the heart of Citrus Heights, represents approximately 80 property owners and **over** 500 businesses and restaurants, including the Sunrise Mall, Capital **Nursery**, Premier Computer, Lowe's Home Improvement, and Century **21** Real Estate. In addition, the Citrus Heights Chamber of Commerce and the city continue to work together to effectively promote local business through such programs as Showcase Citrus Heights, an annual event to highlight business opportunities in Citrus Heights, Business Expo, a local business expo that showcases Citrus Heights businesses, and Shop Citrus Heights, a program to promote shopping opportunities in the community. Because of the abundance of businesses that exist in Citrus Heights, residents have the option of working in the community itself, rather than commuting to Sacramento. In fact, according to the 2000 Census, over **66** percent of Citrus Heights residents over the age of sixteen have worked within the community? As described on the Citrus Heights Chambers of Commerce website, "abounding with opportunity, an excellent location, and a supportive business climate, Citrus Heights offers a 'small town' feeling with 'big town' benefits.""

⁸ See Exhibit B.

⁹ See Census Lookup: Citrus Heights; <http://venus.census.gov/cdlookup/>

¹⁰ See <http://www.ci.citrus-heights.ca.us/edrda/benefits.html>

- 2) Whether Citrus Heights has its own newspaper or other media that covers the community's local needs and interests

Citrus Heights has its own monthly newspaper, *The City Times*, published solely for Citrus Heights. This monthly publication carries news and advertising of special interest to the residents of Citrus Heights, such as coverage of community events and activities and features on community leaders. Residents of Citrus Heights also obtain local news and information concerning the community through NewsCitrusHeights.com, an interactive news and information website for Citrus Heights. In addition, the city of Citrus Heights publishes a quarterly newsletter, *Citrus Heights Connections*, to keep property owners, businesses, and residents apprised of the city's developments. The city also maintains its own webpage at www.ci.citrus-heights.ca.us, which allows city residents to access a variety of information regarding city officials, public services, committee meetings, development, job opportunities, and community events.

- 3) Whether Citrus Heights leaders and residents perceive their community as being an integral part of or separate from, the larger Sacramento metropolitan area

Business owners, residents, and community leaders in Citrus Heights, through active organization and participation in the community and its events, perceive their community as being separate from Sacramento. In fact, the residents of Citrus Heights, led by the Chamber of Commerce, endured a long, 12-year battle with the county of Sacramento to bring cityhood and independence to Citrus Heights. The community's efforts were ultimately successful when, following a successful referendum campaign for incorporation, Citrus Heights became incorporated on January 1, 1997. Unlike other communities near Sacramento, which may depend on the larger metropolitan area for their economic, social, and cultural needs, Citrus Heights is truly a full-service and self-contained community. Through the many local businesses

and services, including grocery stores, clothing stores, churches, a police department, dentists, doctors' and lawyers' offices, etc., residents can have all of their needs met without leaving **the** community.¹¹ Furthermore, business owners, church and community leaders, and residents come together in multiple community organizations, including the Citrus Heights Teen Unity Team, Citrus Heights Little League, and The Lions Club, and join in sponsoring and organizing many local events, including the Concert in the Park series at the Sunrise Recreation and Park District, annual campouts at Rusch Park, the 4th of July parade, and other festivities throughout the year that take place in Citrus Heights, are centered around the community, and are separate from Sacramento."

4) Whether Citrus Heights has its own local government and elected officials

Citrus Heights has its own local government and elected officials. **The** Citrus Heights city government is comprised of a mayor, vice mayor, and three-member council, who are all elected by local Citrus Heights residents. In addition, the Citrus Heights government, which employs over 50 residents of the community, is comprised **of** many administrative **offices** to serve the needs of the community, including: (1) a Planning Commission, comprised of seven members who review a variety of developmental applications and are responsible for updating and maintaining the city's General Plan, the Zoning Code, and a variety of other planning documents; (2) a General Services Department, which is responsible for traffic engineering **and** transportation planning; (3) a Public Services Department, responsible for such initiatives **as**

¹¹ See Exhibit B.

"As stated by Dave Terillinger, the Principal of San Juan High School in Citrus Heights, "cityhood has brought Citrus Heights a greater sense of identity. We have a stronger voice of what happens within our community. We seem more focused on city-based issues and activities, which results in a stronger business climate, better law enforcement, and cleaner streets." See City of Citrus Heights Connections, Volume IV, Number 3, December 2002, at 4.

storm control, animal control, pavement maintenance, and city beautification; and **(4)** a Community Relations Department, which oversees neighborhood services and the Residents' Empowerment Association of Citrus Heights, a group created to empower residents to **resolve** disputes and problems at the neighborhood **level**.¹³ These governmental bodies, elected **or** appointed to serve the city of Citrus Heights, further demonstrate Citrus Heights's separateness and independence from Sacramento.

- 5)** Whether Citrus Heights has its own zip code **or** telephone **book** provided **by** the **local telephone** company

Citrus Heights has its own zip code (**"95621"**) and its own branch of the **U.S. Post Office**. Citrus Heights has its own local telephone directory. Citrus Heights's businesses **are** also listed in the Roseville Telephone Company's local telephone directory, which contains a separate section for the Citrus Heights government listings.

- 6)** Whether Citrus Heights has its own commercial establishments, health facilities, and transportation systems

Citrus Heights is a full service community offering many goods and services **from over** 500 local commercial establishments, including grocery stores, clothing shops, hotels, cleaning services, florists, dry cleaners, auto body repair shops, and over 100 restaurants. Citrus Heights also has several doctors' and dentists' offices, animal hospitals, its **own** medical and health center, eye surgery center, and nursing homes. Public transportation is also readily available throughout the city through a bus service and a Neighborhood Shuttle system, providing shuttle buses to meet the needs of the Citrus Heights residents. A recent Public Opinion Survey, conducted by an independent polling **fir**to determine public opinion on a number of **issues**

¹³ See Exhibit B.

important to the City of Citrus Heights, revealed that the residents of Citrus Heights show significant levels of satisfaction with the services offered in the **community**.¹⁴

- 7) The extent to **which** Citrus Heights and Sacramento are part **of** the same advertising market

Local businesses in Citrus Heights can advertise in the community's local newspaper, *The City Times*, and on the Citrus Heights Chamber of Commerce website, which allow them to reach the residents of Citrus Heights; businesses do not need to utilize the Sacramento advertising market. Residents of Citrus Heights can also access the city's webpage and NewsCitrusHeights.com to learn about community events and local news.

- 8) The extent to which Citrus Heights relies **on** Sacramento for various municipal services such as police, fire protection, schools and libraries

Citrus Heights is self-sufficient and provides the majority of its **own** municipal services. The community provides one-stop shopping with its own municipally-owned and operated water source, sewer service, and garbage collection service. **In** addition, Citrus Heights has its **own** local police department, 911 emergency services, neighborhood police patrols, thirteen **public** elementary schools, two public middle schools, four public high schools, three community colleges, a public library, day care center, fitness center, and six community parks, including Rusch **Park**, which houses a community swimming pool and a skating arena, and is the home to numerous community festivities, including the weekly summer Concert in the Park **series**.” **To** increase community cohesiveness and independence, the city **is** also in the process **of** constructing a community center, which will include such public amenities as meeting rooms, a

¹⁴ **See Exhibit B.** In addition, according to the survey, almost 80% of Citrus Heights residents do their grocery and clothes shopping in the community and almost 70% of the residents do the majority of eating out at restaurants, and shopping for home improvement, in Citrus Heights.

¹⁵ **See Exhibit B.**

gymnasium, art and dance studios, teen and senior space, and a banquet room. Citrus Heights, **as** demonstrated above, is a distinct community, separate from Sacramento. Consequently, Citrus Heights, **as** a community independent of the Sacramento Urbanized Area, deserves a first local service preference.

B. Citrus Heights Satisfies the other Factors in the Tuck Analysis – the **Size** and Proximity of Citrus Heights to Sacramento and the Signal Population coverage of KLVS over the Sacramento Urbanized Area

Citrus Heights, with a population of **85,071**, is approximately **13** miles from Sacramento, which has a population of **407,018**, according to the 2000 US Census. From the proposed transmitter site, KLVS would provide coverage within the **70 dBu** contour to no more than 36.8 percent of the population within the Sacramento Urbanized Area. These figures are similar to those of other suburban communities granted a first local **preference**.¹⁶ Moreover, **the** Commission has granted channel change petitions where the proposed community's population **as** a percentage of the central city population was considerably smaller and where the community was located much closer to the central city of the urbanized area.” The Commission has also repeatedly stated that these factors have less significance than evidence of interdependence.’* **As** demonstrated above, the unique characteristics of Citrus Heights, as a community separate from Sacramento, rebut the presumption of interdependence. Citrus Heights **is** a unique self-sufficient community which merits a first local service preference.

¹⁶ See e.g., Anniston, Alabama, et al., 16 FCC Rcd 3411, aff'd by the Commission, 16 FCC Rcd 19857 (2001).

¹⁷ See Ada, Newcastle and Watonga, Oklahoma, 11 FCC Rcd 16896 (1996) (finding Ada independent of Oklahoma City despite population equal to 0.9% of Oklahoma City); Mullins and Briarcliffe Acres, South Carolina, 14 FCC Rcd 10516 (1999) (finding Mullins independent of the Myrtle Beach area despite only a ~~four~~ miles separation).

¹⁸ See Faye and Richard Tuck, 3 FCC Rcd 5314 at ¶ 28.

Declaration of Intent

If the proposal set forth herein is adopted, EMF will promptly file the appropriate application to permit operation of KLV\$ (FM) on Channel **258A** at Citrus Heights and expeditiously construct the KLV\$ (FM) facilities at Citrus Heights. EMF will also **file** the appropriate application for Channel **257A** at Colfax when the Commission opens a window **and, if** authorized, **will** proceed promptly with construction and operation of the new station.

Conclusion

For the foregoing reasons, EMF respectfully requests that the Commission initiate **the** rule making requested herein to amend Section **73.202(b)** of the Commission's **rules**, the Table of Allotments for FM Broadcast Stations, to allot Channel **258A** to Citrus Heights, **California** and to modify the license of KLV\$ (FM) to specify Channel **258A** at Citrus Heights, and to allot Channel **257A** to Colfax, California.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

By: 

David D. Oxenford

Amy L. Van de Kerckhove

Its Attorneys

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Dated: September **17, 2003**

EXHIBIT A

DECLARATION ENGINEERING STATEMENT

Educational Media Foundation, licensee of FM Station KLVN on Channel 257B1 at Grass Valley, California has prepared ~~this~~ Engineering Statement in support of a Petition for Rule Making to amend the Table of FM Allotments, Section 73.202(b), to allocate Channel 258A to Citrus Heights, California (with a 7 kilometer site restriction to the south), as its first local aural transmission service, and allocate Channel 257A at Colfax, California (with a 20 kilometer site restriction to the north), as its first local aural transmission service. It is proposed to amend the Table of FM Allotments as follows:

Community	Present Allocation	Proposed Allocation
Grass Valley, CA	231A, 257B1, 277A	231A, 277A
Citrus Heights, CA	--	258A
Colfax, CA	--	257A

As the proposed change is mutually exclusive with its current license. Educational Media Foundation proposes to change the city of license for KLVN(FM) from Grass Valley, California to Citrus Heights, California and downgrade from Class B1 to Class A in accordance with Section 1.420(i) of the Commission's rules. The reference coordinates of Citrus Heights are as follows:

NAD-27

North Latitude: 38-41-30
West Longitude: 121-17-12

~~Educational Media Foundation has located a transmitter site that meets the spacing requirements and the selected site is identified as follows:~~ (Citrus Hts.)

NAD-27

North Latitude: 38-38-37
West Longitude: 121-05-27

The site is currently used by Educational Media Foundation translator K256AG, Clarksville, California. Educational Media Foundation proposes to utilize the same tower for KLVN, should this proposal be ~~parted~~.

Additionally, Educational Media Foundation proposes to allocate Channel 257A at Colfax, California. The reference coordinates for Colfax are as follows:

NAD-27

North Latitude: 39-05-43
West Latitude: 120-57-11

Educational Media Foundation has located a transmitter site that meets the spacing requirements and the selected site is identified as follows:

NAD-27 (Colfax)
North Latitude: 39-16-33
West Longitude: 120-53-49

The site is currently ~~the~~ licensed site for KLV5 (the licensed B1 facility on Channel 257). Educational Media Foundation proposes to utilize the same facility for the new ~~station~~ at Colfax, should this proposal be granted, and should EMF prevail in obtaining the Construction Permit.

Citrus Heights & Colfax

According to the United States Department of Commerce, Bureau of Census, the 2000 population figure for Citrus Heights, California is 85,071 people. The city (which was incorporated in 1997) lies in Sacramento County, with a county population of 1,223,499. Allocating Channel 258A to Citrus Heights will provide coverage within the 70dBu contour to 513,466 persons, and within the 60dBu contour to 1,394,201 people (an area of 3,098.27 sq. km).

According to the United States Department of Commerce, Bureau of Census, the 2000 population figure for Colfax, California is 1,496 people. The city (which was incorporated in 1910) lies in Placer County, with a county population of 248,399. Allocating Channel 257A to Colfax will provide coverage within the 70dBu contour to 68,114 persons and within the 60dBu contour to 140,813 people (an area of 3,047.27 sq. km).

The present KLV5 Class B1 facility covers a population, within the 60dBu contour, of 182,403 people within an area of 5,349.99 sq. km. Compared to the proposed facility at Citrus Heights, the change in facilities will provide a 764.4% increase in population and an overall decrease in area of 42.1%.

Including the proposed facility at Colfax, the overall changes (comparing Citrus Heights and Colfax to the existing Grass Valley facility), will provide a 841.6% increase in population, and an overall increase in area of 14.9%.

Moving KLV5(FM) to Citrus Heights, California, and changing from Class B1 to Class A, and allocating Channel 257A to Colfax, would not only provide service to a larger population, but would make a more efficient use of the FM spectrum.

Table I is an FM channel study for Channel 258A from the reference coordinates for the proposed city of license, Citrus Heights, California. The study includes the proposed transmitter site for the Colfax Channel 257A allocation. As shown, there is a 7

kilometer short spacing, therefore we are requesting **this** allotment be granted with the requirement the station be located a minimum of 7 kilometers south of Citrus Heights.

Table II is an FM channel study for Channel **258A** from the specified antenna site **south** of Citrus Heights and includes the proposed allocation transmitter site for Channel **257A**. **As** shown, Channel **258A** from **this** site meets the requirements of Section **73.207** of the Rules and Regulations.

Table III is an FM channel study for Channel **257A** from the reference coordinates for the proposed city of license, Colfax, California. The study includes the proposed transmitter site for the Citrus Heights Channel **258A** allocation. **As** shown, there is a **20 kilometer** short spacing, therefore we **are** requesting **this** allotment **be granted** with the requirement the station be located a **minimum** of **20** kilometers northeast of Colfax.

Table IV is an FM channel study for Channel **257A** from the specified antenna site **northeast** of Colfax and includes the proposed allocation transmitter site for Channel **258A**. **As** shown, Channel **257A** from **this** site meets the requirements of Section **73.207** of the Rules and Regulations.

Tables V, VI and VII show the predicted distances to the 60 dBu contours for Citrus Heights, Colfax and the current KLVS at **Gass** Valley and associated population and coverage **area** figures.

Exhibit 1 is a map showing the 70dBu and 60dBu contours of the proposed KLVS operation on Channel **258A** and the city of license, Citrus Heights, California. Citrus Heights lies within the proposed **70dBu** contour, thereby **meeting** the requirements of Section **73.315** of the Rules and Regulations.

Exhibit 2 is a map showing the 70dBu and 60dBu contours of the proposed transmitter site for the allocation to serve Colfax on Channel **257A** and **the** city of license, Colfax, California. Colfax lies within **the** proposed **70dBu** contour, thereby **meeting the** requirements of Section **73.315** of the **Rules** and Regulations.

CONCLUSION

The petitioner affirms its intention to file an application to modify KLVS for operation on Channel **258A** at Citrus Heights, if it is allotted, and file for a new station on Channel **257A** at Colfax if it is allotted and, if authorized, to build the requested facilities promptly.

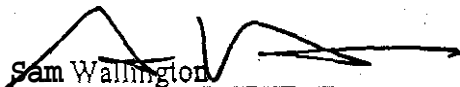
It is believed that all methods employed in making the determinations contained **within** this Engineering Statement were in accordance with applicable FCC Rules **and** Regulations and good engineering practice.

For each FM station presented in these exhibits, terrain elevation data from ~~three~~ to sixteen kilometers on radials spaced at one-degree azimuthal intervals starting at ~~True~~ North were extracted from the computerized thirty-second point elevation database version of Elevation Data for North America, available at the Department of Commerce, National Geophysical Data Center, National Oceanic and Atmospheric Administration. A total of 131 points along each radial were linearly interpolated according to section 73.312(d). For HAAT calculations in Tables V, VI, and VII, 8 radials were utilized.

The height above average terrain along each of the 360 radials ~~was~~ computed by averaging the elevations between three and sixteen kilometers below the antenna radiation center in accordance with section 73.313(d)(3).

The locations of the 60 dBu F(50,50) service contours were calculated according to the computer methods outlined in F.C.C. publication PB-249144, Field Strength Calculations for TV and FM Broadcast. The computer methods use digitized ~~data taken~~ directly from the graph of section 73.333 Figure 1. Intermediate values ~~are~~ obtained using bivariate interpolation techniques for surface fitting.

I declare under penalty of perjury that the foregoing is true and correct.



Sam Wallington

Director of Engineering
Educational Media Foundation
September 12, 2003

TABLE I
Channel 258A at Citrus Heights Reference Coordinates

REFERENCE	CLASS = A	DISPLAY DATES
38 41 30 N	Current Spacings	DATA 09-04-03
120 57 11 W		SEARCH 09-11-03
----- Channel 258 - 99.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
KLVS.C	CP -N 25781	Grass Valley	CA 61.53	359.0	96.0	-34.47
Prop	All 257A	Colfax	CA 65.03	4.3	72.0	-6.97
KJOY.C	CP -Z 257A	Stockton	CA 83.04	200.7	72.0	11.04
KJOY	LIC-Z 257A	Stockton	CA 83.04	200.7	72.0	11.04
KNTI	LIC 258B	Lakeport	CA 190.44	285.5	178.0	12.44
KRCXF'M	LIC 260B	Marysville	CA 94.32	307.6	69.0	25.32
KQOD	LIC 261A	Stockton	CA 80.89	196.4	31.0	49.89
KTHXFM	LIC-Z 261C1	Dayton	NV 125.12	59.3	75.0	50.12
KVYN	LIC-Z 257A	St. Helena	CA 123.23	256.5	72.0	51.23
KXJZ	LIC-D 2058	Sacramento	CA 66.76	226.0	15.0	51.76
KCVRM	LIC 255A	Columbia	CA 88.81	144.8	31.0,	57.81
KFRCFM	LIC 259B	San Francisco,	CA 171.08	229.7	113.0	58.08
KGVM	LIC-D 256A	Gardnerville-minden	NV 100.86	72.4	31.0	69.86
KLOKFM	LIC 258B	Greenfield	CA 249.09	187.1	178.0	71.09

TABLE II
Channel 258A at Proposed Antenna Site

REFERENCE	CLASS = A	DISPLAY DATES
38 38 37 N		A A 09-04-03
121 05 27 W	Current Spacings	SEARCH 09-11-03
----- Channel 258 - 99.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
KLVS.C	CP -N 25781	Grass Valley	CA 67.73	9.2	96.0	-28.27
PROP	All 257A	Colfax	CA 72.17	13.4	72.0	0.17
KJOY	LIC-2 257A	Stockton	CA 74.39	193.4	72.0	2.39
KJOY.C	CP -Z 257A	Stockton	CA 74.39	193.4	72.0	2.39
KNTI	LIC 2588	Lakeport	CA 180.49	288.1	178.0	2.49
KRCXFM	LIC 2608	Marysville	CA 88.79	315.0	69.0	19.79
KVYN	LIC-2 257A	St. Helena	CA 110.36	257.7	72.0	38.36
KXJZ	LIC-D 2058	Sacramento	CA 54.60	221.2	15.0	39.60
KQOD	LIC 261A	Stockton	CA 73.07	188.5	31.0	42.07
KFRM	LIC 2598	San Francisco	CA 158.52	228.3	113.0	45.52
KCVRM	LIC 255A	Columbia	CA 92.30	136.7	31.0	61.30
KTHXEM	LIC-2 261C1	Dayton	NV 138.16	59.8	75.0	63.16
KLOKFM	LIC 258B	Greenfield	CA 242.58	184.4	178.0	64.58
KARA.C	CP -N 256A	Williams	CA 105.60	301.6	31.0	14.60